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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,040	01/26/2006	Martin Dillmann	BE-151PCT	5913
40570	7590	09/17/2008		
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 09/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,040	Applicant(s) DILLMANN, MARTIN	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2008 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to because the applicant has failed to use the proper cross sectional shading when showing the invention in a cross sectional view. See MPEP 608.02. For example, see figure 2 wherein the applicant improperly shows the weather strip with a metal cross sectional shading. Figure 3 is improper because it shows three different views of the invention. Thus, figure 3 should actually be three separate figures each having its own description. Additionally, the section lines in figure 1 should be labeled such that the figure showing the view taken along the lead line can be easily identified. For example, if figure 3 shows the view taken along a section line, then that section line should be labeled 3-3 or III-III. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters such as "5" have been used to designate several different embodiments of the invention. Although each of the embodiments are generally the same, each embodiment requires a separate reference character because each embodiment is different. Also see reference characters 10 and 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

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abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "[s]aid" on line 1 and "means of" on line 6 should be avoided. Recitations such as "[t]he invention relates to" on line 1 can be easily implied and therefore should be deleted. Finally, the abstract is objected to because it is too long. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: each of figures 5-9 require its own description.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested the applicant amend the title to refer to the sealing billet as a weather strip to avoid confusion.

Claim Rejections - 35 USC § 112

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with 35 USC 112 informalities. It is requested that the applicant amend the claims to bring them into conformance with 35 USC 112 in view of the examples below.

Recitations such as "said sealing profile" on lines 2-3 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "constructed as" on line 3 of claim 1 render the claims indefinite because it is unclear whether or not the sealing profile is actually a hollow chamber profile. Recitations such as "exhibits" on line 4 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the applicant attempting to set forth that the sealing billet has

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a sealing profile? Recitations such as "sealing profile" on line 4 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the hollow-chamber profile set forth above or is attempting to set forth another profile in addition to the one set forth above. Recitations such as "the hollow-chamber" on line 5 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the hollow-chamber profile set forth above or if the applicant is attempting to set forth another chamber in addition to the one set forth above. Recitations such as "for high curvature" on line 5 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What element of the invention has the high curvature to which the applicant is referring? Recitations such as "the reinforcement" on line 6 of claim 1, "the sealing area" on lines 7-8 of claim 1, and "the extrusion gap" on line 10 of claim 1 render the claims indefinite because the lack antecedent basis. Recitations such as "segments" on line 2 of claim 2 render the claims indefinite because it is unclear what element of the invention includes the segments to which the applicant is referring. Recitations such as "an area of high curvature" on line 4 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the area of high curvature set forth above or is attempting to set forth another area of high curvature. Recitations such as "the at least one web" on line 2 of claim 4 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. 5-68720. Japanese Patent Publication No. 5-68720 discloses a sealing billet 60 for sealing between a movable vehicle part 10 and the bodywork 20 of an automobile, said sealing profile is constructed as a hollow-chamber profile, wherein the sealing billet exhibits a sealing profile 62 which is reinforced 34 into the hollow-chamber in at least one area intended for high curvature, and wherein the reinforcement which extends in the longitudinal direction of the sealing billet prevents or limits a collapse of the sealing area of the sealing profile, characterized in that wherein the reinforcement is molded as one piece in a continuous extrusion process by modifying the gap cross section of the extrusion gap which forms the hollow-chamber profile in its entirety;

wherein segments (not numbered, but shown in figure 6) with a reinforced sealing profile are separated by at least one segment (not numbered, but shown in figure 6) with an unreinforced sealing profile within an area of high curvature;

wherein the reinforcement is constructed as at least one web 34 as shown in figure 8;

wherein the at least one web 34 as shown in figure 8 is wedged-shaped and does not extend beyond the center of the sealing profile, that the at least one web root is located in the wall of the sealing area opposite the fastening area, and that the at least one web tip extends into the hollow-chamber and points in the direction of the fastening area;

wherein the reinforcements 34 as shown in figure 7 are designed as enlargements to the wall thickness of the sealing area for a reinforced sealing profile compared to the wall thickness of the sealing area for an unreinforced sealing profile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 5-68720 as applied to claims 1-4 and 7 above, and further in view of Nozaki et al. (US 6530618). Nozaki et al. discloses a sealing profile 36 comprising wedge shaped web 46 which extends beyond the center of the sealing profile 40, that the at least one web root is located in the fastening area 38, and that the at least one web tip extends into the hollow-chamber and points in the direction of the wall of the sealing area opposite the fastening area.

It would have been obvious to one of ordinary skill in the art to modify the web of Japanese Patent Publication No. 5-68720, as taught by Nozaki et al., to provide a door stopper function.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 5-68720 as applied to claims 1-4 and 7 above, and further in view of Bright (US 4448430). Bright, in figure 4, discloses a sealing profile 5 comprising a web 18 which extends continuously between a fastening area and the wall of the sealing area opposite the fastening area and divides the hollow chamber into at least two hollow-chamber partitions.

It would have been obvious to one of ordinary skill in the art to extend the web of Japanese Patent Publication No. 5-68720 to the opposing fastening area, as taught by Bright, to further increase the strength of the corner section.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oda et al., Arima, Piccinini et al., and Kuzuhara et al. are cited for disclosing a weather strip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634